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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,413	09/20/2000	Koichi Sato	P19601	8542

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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,413	Applicant(s) SATO, KOICHI	
	Examiner Gevell Selby	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 23, 2004 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084.**

In regard to claim 1, Taniguchi et al., US 6,549,232, discloses a photographing operation control device for an electronic still camera (see figure 2), comprising:

a buffer memory (see figure 2, element 40 and column 8, lines 8-12) that temporarily stores image data obtained through a photographing optical; and

a blank photographing operation performing processor (see figure 2, element 300) that performs a photographing operation in a blank photographing mode, such that upon photographing, said image data is stored in said buffer memory without being stored in a recording medium, when no recording medium is installed in the electronic still camera (see column 16, lines 11+),

when a recording medium without a blank recording are sufficient to store said image data is installed in the electronic still camera (see column 12, line 64 to column 13, line 6) Taniguchi does not disclose the image is not stored in a recording medium when a recoding medium, having a blank recording are sufficient to store said image data is installed in the electronic still camera.

Moronaga et al., US 5,956,084, discloses a digital camera with a memory selecting switch (13), wherein when the switch is in the first position (22), the image data is stored in the internal RAM (28) and when the switch is in the second position the image data is stored to the memory card (see column 9, lines 35-44). Figure 3b illustrated the display in the blank photographing mode wherein CA 12 is the number of images the memory card can hold, the number underneath represent the number of images stored in the memory card, IN 12 represents the number of images the internal memory can hold, and the number underneath represents the number of images stored in the memory (see column 10, lines 45-65). When in blank photographing mode, the images are only stored in the internal memory until the memory is full and then the camera switches to external mode where the images begin being stored in the external memory (see column 12, line 63 to column 13, line 7). Moronaga et al., US 5,956,084, teaches a photographing mode wherein irrespective of whether the number of remaining frames in the external memory is zero or some other number, depression of the shutter release button is allowed unconditionally and the image is stored in the frame memory (see column 24, lines 30-40).

It would have been obvious to one of ordinary skill in the art to have been motivated to modify Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, to have a blank photographing mode store the image in frame memory when whether the memory is full or not in order to always allow image capture as taught by Moronaga.

In regard to claim 2, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising a photographing mode selecting processor (see Taniguchi: CPU 30) that sets said blank photographing mode (see Taniguchi: column 17, lines 1-3).

In regard to claim 3, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 2. Taniguchi does not disclose wherein that the said photographing mode selecting processor (see Taniguchi: CPU 30) comprises a photographing mode set switch by which said blank photographing mode or internal recording mode is set, and which is provided in a camera body of the electronic still camera. However, it would have been an obvious design decision for one skilled in the art to modify the Taniguchi reference to have a photographing mode selection switch in order to allow the user to select the photographing mode.

In regard to claim 4, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising the recording medium sensing processor (see Taniguchi: switch 10-off) that senses whether a recording medium is mounted, said blank photographing

operation performing processor performing a photographing operation in said blank photographing mode when said recording medium sensing processor senses that said recording medium is not mounted (see Taniguchi: column 8, lines 21-23 and column 12, line 11+).

In regard to claim 5, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising a blank recording area sensing processor (CPU 30) that senses whether a blank recording area exists in the recording medium, said blank photographing operation performing processor (CPU 30) performing said photographing operation in said blank photographing mode when said blank recording area sensing processor senses that said recording medium has no blank recording area (see Taniguchi: column 12, line 58 to column 13, line 5).

In regard to claim 6, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising a recording medium sensing processor that senses whether the recording medium is mounted (see Taniguchi: switch 10-On and column 8, lines 21-23), a blank recording area sensing processor (CPU 30) that senses whether a blank recording area exists in the recording medium (see Taniguchi: see column 12, line 58 to column 13, line 5), a normal photographing operation performing processor (CPU 30) that performs a photographing operation in a normal photographing mode (see Taniguchi: figures 18 A and B) in which, after storing said image data in said buffer memory (see Taniguchi: column 26, line 65 to column 27, line 1), said image data is read from said buffer

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memory and recorded in said recording medium (see Taniguchi column 27, lines 1-19), and a photographing mode selecting processor that selects one of said blank photographing mode (image stored in internal memory) and said normal photographing mode (image stored on memory card), said photographing mode selecting processor being able to select said blank photographing mode when said recording medium sensing processor and said blank recording area sensing processor sense that the recording medium having the blank recording area is installed in said device(see Moronaga: column 12, lines 33-60).

In regard to claim 7, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising an image data transfer processor (CPU 30) that transfers said image data stored in said buffer to the recording medium (see Taniguchi: figure 18 a and b and column 24, lines 30-40).

In regard to claim 8, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 7, further comprising a normal photographing operation performing processor (CPU 30) that performs a photographing operation in a normal photographing mode (see Taniguchi: figures 18 A and B) in which, after storing said image data in said buffer memory (see Taniguchi: column 26, line 65 to column 27, line 1), said image data is read from said buffer memory and recorded in said recording medium (see Taniguchi column 27, lines 1-19) when said normal photographing mode is set.

In regard to claim 9, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising a mode informing processor (CPU 30) that informs that said blank photographing mode is set (see Taniguchi: column 16, line 60 to column 17, line 3).

In regard to claim 10, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising the recording medium sensing processor (switch 10) that senses whether a recording medium is mounted and a non-mounting condition informing processor that informs that the recording medium is not mounted (see Taniguchi: column 8, lines 21-23).

In regard to claim 11, Taniguchi et al, US 6,549,232 in view of Moronaga et al., US 5,956,084, as described in regard to claim 1, discloses a device according to claim 1, further comprising a blank recording area sensing processor (CPU 30) that senses whether a blank recording area exists in the recording medium and a non-existing condition informing processor (CPU 30) that informs that the recording medium has no blank recording area (see Taniguchi: column 16, line 60 to column 17, line 3).

Regarding claim 12, the applicant, in the amendment filed on July 23, 2004, canceled the claim.

Examiner's Reply

4. The applicant submits that the Taniguchi and Moronaga, alone or in combination, fail to teach the limitation recited in the claims, "a blank photographing mode, such that upon

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photographing, said image data is stored in said buffer memory without being stored in a recording medium, ... when a recording medium, having blank recording area sufficient to store said image data, is installed in the electronic still camera.” The Examiner respectfully disagrees.

Moronaga et al., US 5,956,084, discloses a digital camera with a memory selecting switch (13), wherein when the switch is in the first position (22), the image data is stored in the internal RAM (28) and when the switch is in the second position the image data is stored to the memory card (see column 9, lines 35-44). Figure 3b illustrates the display in the blank photographing mode wherein CA 12 is the number of images the memory card can hold, the number underneath represent the number of images stored in the memory card, IN 12 represents the number of images the internal memory can hold, and the number underneath represents the number of images stored in the memory (see column 10, lines 45-65). When in blank photographing mode, the images are only stored in the internal memory until the memory is full and then the camera switches to external mode where the images begin being stored in the external memory (see column 12, line 63 to column 13, line 7). Therefore, the combination of Taniguchi and Moronaga discloses performing the blank photographing operation as claimed in claim 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


TUAN HO
PRIMARY EXAMINER